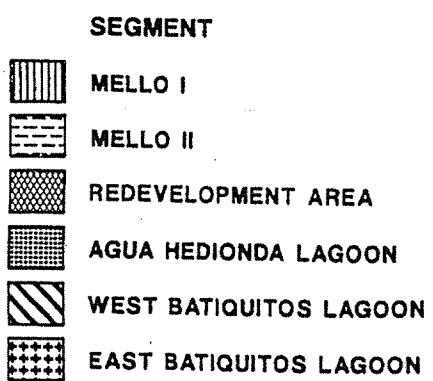


4. LOCAL COASTAL PLAN DOCUMENTS



2. AGRICULTURE

▪ Coastal Act Policies

30241. The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land through all of the following:

- a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses.
- b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses and where the conversion of the lands would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.
- c) By developing available lands not suited for agriculture prior to the conversion of agricultural lands.
- d) By assuring that public service and facility expansions and non-agricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality.
- e) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b) of this section, and all development adjacent to prime agricultural lands shall not diminish the productivity of such prime agricultural lands.

30242. All other lands suitable for agricultural use shall not be converted to non-agricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.

■ Discussion

Agriculture in the Agua Hedionda area is dependent upon a wide range of factors. The soil resource is not as ideal as that in other parts of the State but is well-suited to the existing agricultural operations. Climate is the major factor which has determined the success of the area's agriculture since it allows production during months when agriculture is precluded in competing areas. Water is a critical factor, and both direct and indirect energy costs contribute significantly to agricultural costs. Labor also represents a substantial proportion of costs; its future depends to a large extent on government policies toward undocumented aliens. Access to certain Carlsbad agricultural areas is difficult during certain times of the year. Improvement of access would involve a trade-off between production gains from better access and the potential for increased vandalism.

Agricultural activities in the plan area are limited to south shore properties. This area is contiguous with other large agricultural lands to the south and east.

■ Policies

2.1 Conversion of agricultural property shall be consistent with Coastal Act policies, and the policies of this plan.

2.2 The south shore agricultural lands shall be designated "Open Space." This area shall be zoned "Exclusive Agriculture" in the implementation phase of the plan.

2.3 Conversion of the 45-acre SDG&E south shore property shall be subject to the following conditions:

a) Prior to development SDG&E shall record a permanent open space easement over the remaining agricultural lands in favor of the City of Carlsbad. Said easement shall limit uses to agriculture, utility right-of-way and maintenance, roadways, and recreation trails that do not interfere with agricultural operations.

b) SDG&E shall provide a written report demonstrating to the satisfaction of the City, that preservation of the site is not necessary to assure reasonable expansion opportunities for the Encina Power Plant in accordance with Coastal Act Section 30413(b), and that future expansion could reasonably be accommodated at the present power plant site. Said report shall be a requirement of a future specific development plan for the property.

- c) Prior to issuance of a permit for development of the parcel, the owner shall make a portion of the site available for development as a public recreational use if the City finds that current or future recreational needs require the development of such uses in the south shore portion of the Land Use Plan area.
- d) In the event that the Carlsbad Local Coastal Plan is amended to allow for a City-sponsored agricultural program, SDG&E may apply for inclusion in the amended program.

2. AGRICULTURE

Policy 2-1 CONSERVATION OF AGRICULTURAL LANDS

(a) Basic Agricultural Policies

(1) Coastal Agriculture:

Consistent with the provisions of Sections 30241 and 30242 of the Coastal Act, it is the policy of the City to contribute to the preservation of the maximum amount of prime agricultural land throughout the coastal zone by providing for the balanced, orderly conversion of designated non-prime coastal agricultural lands. Non-prime agricultural lands identified on Map X, including the 301.38 acre Carlitas Property, are designated Coastal Agriculture and shall be permitted to convert to urban uses subject to the agricultural mitigation or feasibility provisions set forth in the LCP. Any acreage under the control of a public entity for a public recreation or open space use shall be exempt from Policy 2-1 and be permitted to convert from an agricultural use without satisfying one of the three conversion options.

(2) Conversion of Coastal Agriculture:

Conversion of designated coastal agricultural lands shall be permitted provided that: a) conversion would preserve prime agricultural lands within the statewide coastal zone consistent with Sections 30241 and 30242 or concentrate new development consistent with Section 30250 of the Coastal Act; or b) continued or renewed agricultural use is not feasible.

(3) Conversion Options:

Conversion of non-prime coastal agricultural lands shall be permitted pursuant to either Option 1 - Mitigation, Option 2 - (Feasibility Analysis) or Option 3 - Conversion Fee as set forth below in this policy. Consistent with Section 30242 of the Act, no feasibility analysis shall be required if a landowner selects Option 1 or Option 3.

Option 1 - Mitigation (Prime Land Exchange)

Non-prime coastal agricultural lands shall be converted to urban use consistent with the Carlsbad General Plan if, prior to approval of a subdivision map, a mitigation program is in effect that permanently preserves one acre of prime agricultural land within the statewide Coastal Zone for each acre of net impacted agricultural land in the LCP that is converted. For purposes of calculating required mitigation acreage, net impacted agricultural lands are the parcels and acreages designated on Map X and the 301.38 acre Carlitas Property and areas containing sensitive coastal resources that would preclude development.

The standards and procedures for such a mitigation program shall be set forth in LCP implementing ordinances. Recipients of prime agricultural land interests pursuant to this policy shall be limited to:

- a) local or state agencies; or,

- b) tax exempt organizations whose principal charitable purposes are consistent with the agricultural mitigation program and qualify under Section 501(c)(3) of the U.S. Internal Revenue Code. Further, mitigation priority shall be given to preserving prime agricultural lands in the coastal zones of counties selected by the State Coastal Conservancy for pilot programs funding, and other counties with similarly qualified programs.

Option 2 - Determination of Agricultural Feasibility

If the feasibility of continued agriculture is questionable, either the City or involved landowners may complete an agricultural feasibility study for: a) all coastal agricultural lands in the LCP; b) 3 or 4 subareas (See Exhibit 3.3, Page 26) which constitute logical subunits; or, c) contiguous landholdings in a single ownership of at least 100 acres. If Option 2 is selected, that portion of the study area determined to be feasible for continued agriculture, if any, may be converted upon request of the landowner to urban use subject to compliance with the provisions of Option 1 above. That portion of the study area determined not to be feasible for continued agriculture could be converted only after: a) the City approves the feasibility study; b) an LCP amendment is prepared and submitted to the Coastal Commission that provides for the conversion; and c) the Coastal Commission certifies the LCP amendment as to its conformance with the Coastal Act.

Option 3 - Agricultural Conversion Mitigation Fee

In lieu of the procedures established by the above options, property may be converted to urban uses upon payment of an Agricultural Conversion Mitigation Fee. The amount of the fee shall be determined by the City Council at the time it considers a coastal development permit for urban development of the property. The fee shall not be less than \$5,000 nor more than \$10,000 per net converted acre of agricultural land and shall reflect the approximate cost of preserving prime agricultural land pursuant to the off-site mitigation program (Option 1). The fees shall be paid prior to the issuance of building permits for the project. All mitigation fees collected under this section shall be deposited in the state Coastal Conservancy Fund and shall be expended by the State Coastal Conservancy in the following order of priority:

- a) Restoration of natural resources and wildlife habitat in Batiquitos Lagoon.
- b) Development of an interpretive center at Buena Vista Lagoon.
- c) Restoration of beaches managed for public use in the coastal zone in the City of Carlsbad.
- d) Purchase of agricultural lands for continued agricultural production within the Carlsbad Coastal Zone as determined by the Carlsbad City Council.
- e) Agricultural improvements which will aid in continuation of agricultural production within the Carlsbad Coastal Zone as determined by the Carlsbad City Council.

For purposes of implementation, neither Option 1 nor Option 2 nor Option 3 shall have priority over the other.

- (4) Underlying Urban Designations of Coastal:

To maximize and expedite the preservation of prime agricultural lands throughout the state

coastal zone, all parcels designated coastal agriculture in the LCP including the 301.38 acre Carltas Property shall have an underlying urban land use designation as identified on Map Y, and the Carlsbad Ranch Specific Plan. Conversions of coastal agriculture land permitted by the City in conformance with either Option 1 or Option 2 or Option 3 as set forth in Policy 2 shall be consistent with the land use designations on Map Y and the Carlsbad Ranch Specific Plan.

(5) Conversions of Coastal Agriculture Inconsistent with Underlying Urban Designations:

Conversions of parcels designated coastal agriculture that are requested for uses other than the underlying land use designation on Map Y and the Carlsbad Ranch Specific Plan shall be subject to an LCP amendment to allow the City and Coastal Commission to determine the consistency of proposed urban uses with other applicable provisions of the LCP and the Coastal Act.

(b) Designated Coastal Agricultural Lands

"Designated Coastal Agricultural Lands" are those agricultural lands identified on Map X (See Exhibit 3.3, Page 26) attached to the Land Use Plan certified on October 24, 1985. The following are the lands identified on Map X (See Exhibit 3.3, Page 26):

Approximate Acres	
Site II	377
Site III	275
Site IV	109
Lusk	93
Bankers	27
Hunt (Mello I LCP Segment)	200
Carltas	301.38
TOTAL: 1,382.38	

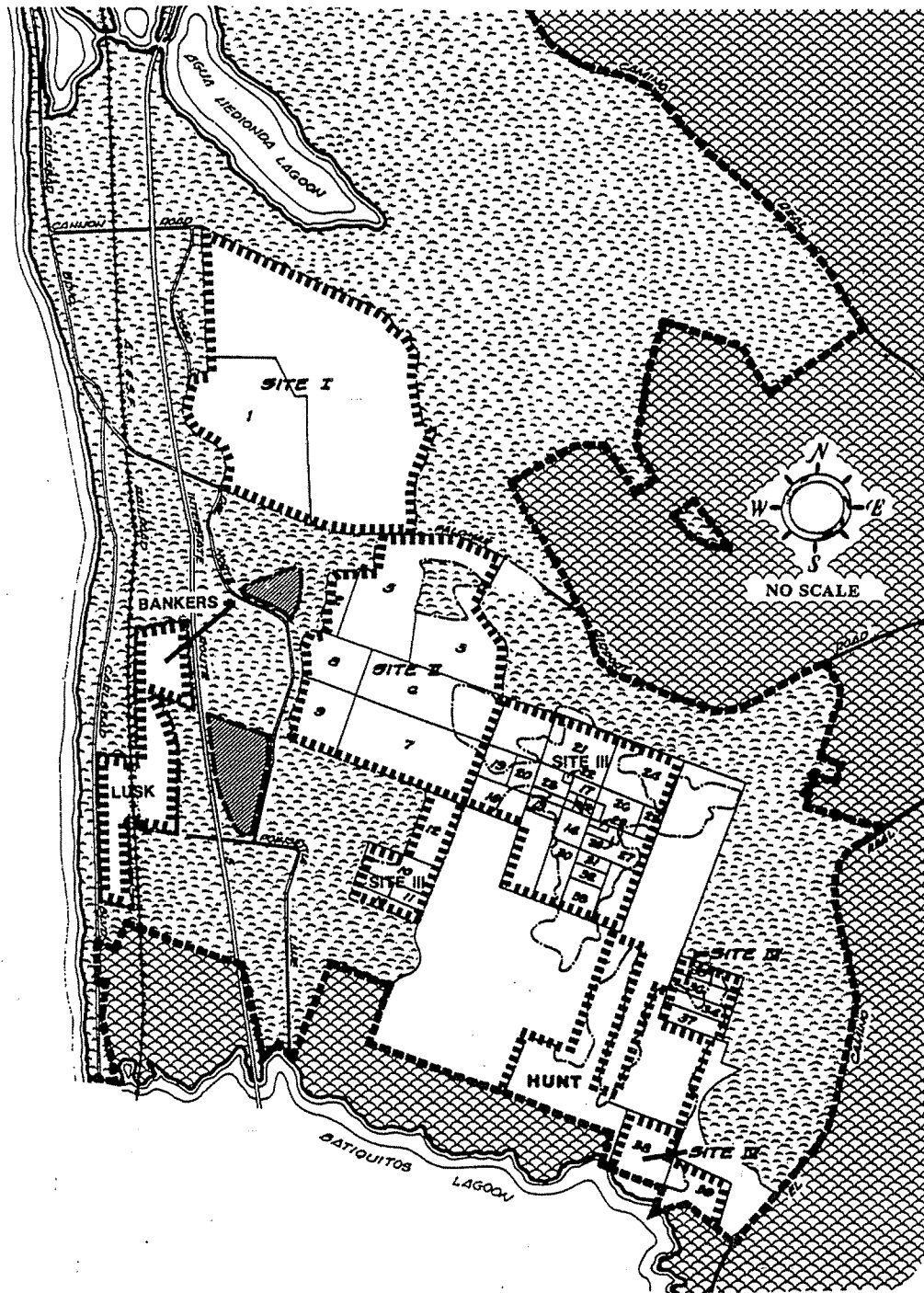
(c) Permitted Uses on Designated Coastal Agricultural Lands

The land uses described below shall apply to any designated coastal agricultural land which has not been approved for development.

- (1) On any Class I through Class IV Agricultural Lands: (See Exhibit 4.2, Page 27) the following uses only are permitted:
 - a) Cattle, sheep, goats and swine production, provided that the number of any one or combination of said animals shall not exceed one animal per half acre of lot area. Structures for containing animals shall not be located within fifty feet of any habitable structure on the same parcel, nor within three hundred feet of an adjoining parcel zoned for residential uses.
 - b) Crop production.

- c) Floriculture.
 - d) Horses, private use.
 - e) Nursery crop production.
 - f) Poultry, rabbits, chinchillas, hamsters and other small animals, provided not more than twenty-five of any one or combination thereof shall be kept within fifty feet of any habitable structure, nor within three hundred feet of an adjoining parcel zoned for residential uses.
 - g) Roadside stands for display and sale of products produced on the same premises, with a floor area not exceeding two hundred square feet, and located not nearer than twenty feet to any street or highway.
 - h) Tree farms.
 - i) Truck farms.
 - j) Wildlife refuges and game preserves.
 - k) Other uses or enterprises similar to the above customarily carried on in the field of general agriculture including accessory uses such as silos, tank houses, shops, barns, offices, coops, stables, corrals, and similar uses required for the conduct of the uses above.
 - l) One single family dwelling per existing legal building parcel.
- (2) On any Class V through VIII Agricultural Lands (See Exhibit 4.2, Page 27) the following uses only are permitted:
- a) All of the permitted uses listed above.
 - b) Hay and feed stores.
 - c) Nurseries, retail and wholesale.
 - d) Packing sheds, processing plants and commercial outlets for farm crops, provided that such activities are not located within 100 feet of any lot line.
 - e) Greenhouses, provided all requirements for yard setbacks and height as specified in Chapter 21.07 of the Code are met.

Exhibit 3.3 - Map X - Non-Prime Agricultural Lands



AGUA HEDIONDA LAND USE PLAN

ADOPTED MAY, 1982

Kelly Ranch LCP
Amendment
July 11, 2000

city of carlsbad local coastal program

III. LAND USE PLAN

This report comprises the Land Use Plan portion of the Agua Hedionda Local Coastal Plan. The Land Use Plan is made up of two primary components, (1) the Land Use Map and (2) the Land Use Text. The Map graphically depicts allowable land use activities, while the Text provides a written discussion of the Land Use Plan and contains policy statements. Subsequent to City and Coastal Commission review and approval of the Land Use Plan, the implementation (zoning/action programs) portion of the Agua Hedionda Plan will be developed. The Land Use Plan, together with the Implementation Program, will comprise a complete Local Coastal Program.

In developing the original Agua Hedionda Land Use Plan, an area larger than the Local Coastal Plan area was included in the study. This larger area ("study area") was included to take a more comprehensive look at potential environmental impacts and planning issues. Policy issues and Land Use discussion contained in this document pertain only to the Agua Hedionda Plan area (referred to as "planning area"). The remaining "study area" properties are under the jurisdiction of the Carlsbad Local Coastal Program, approved by the State Coastal Commission in June 1981. Exhibit "B" illustrates these areas, and designates parcels specifically addressed in the Plan.

Following certification of this plan by the City and Coastal Commission, periodic review will occur. The Coastal Act requires an evaluation of the Plan for effectiveness and the impact of changing conditions, at least every five years. Amendments to the certified plan may be processed similar to general plan amendments subject to the approval of the State Coastal Commission.

The lagoon provides for a wide range of water related uses, including aquaculture, boating, water skiing, fishing and wildlife habitat. The outer lagoon is used primarily for fishing, and provides cooling water for the SDG&E power facility. The middle lagoon is used for sailing and swimming. The western half of the inner lagoon is used for power boating and water skiing, while the eastern end of the lagoon contains environmentally sensitive wetland and habitat areas.

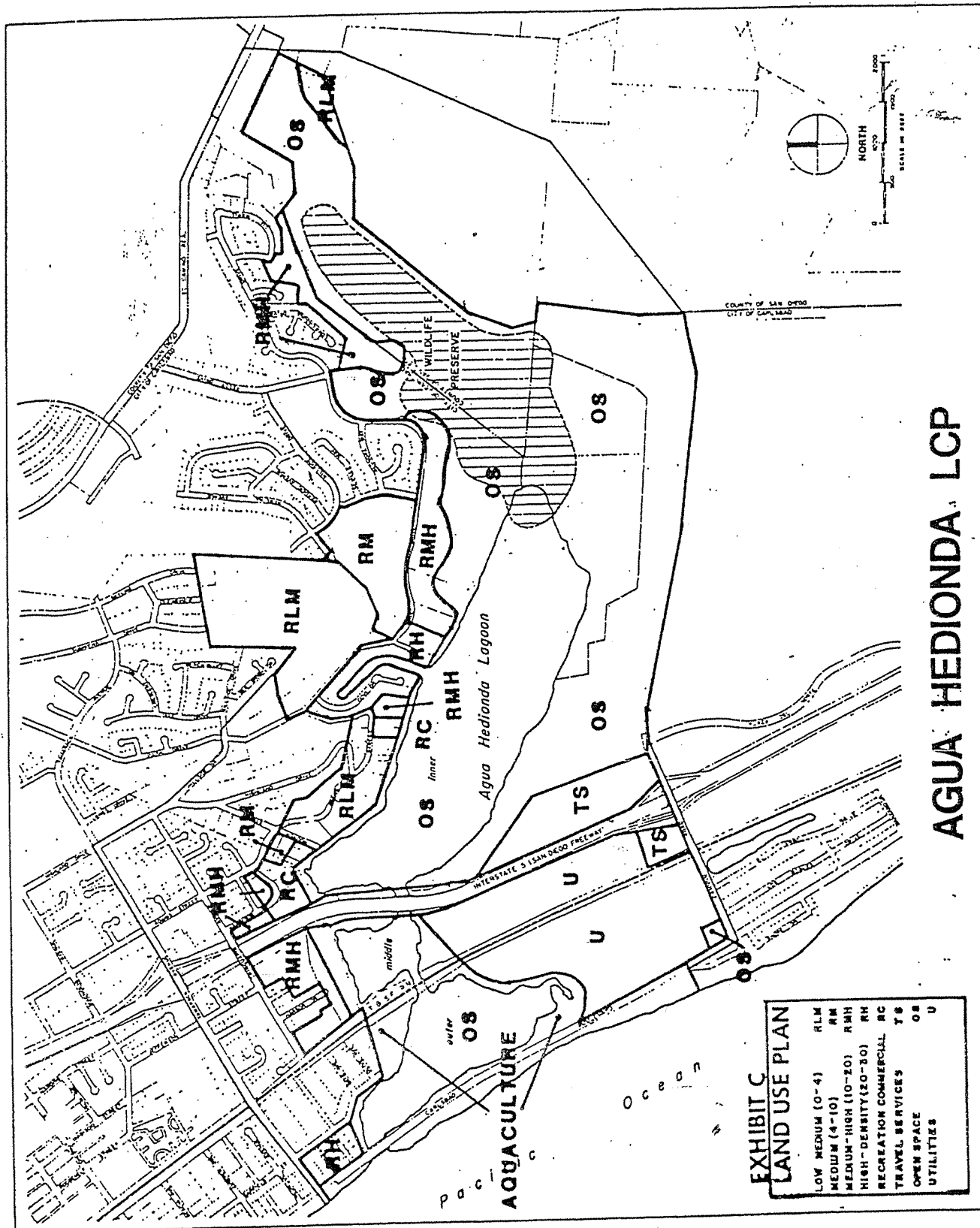
The land use categories and residential density ranges utilized in the land use map and policy statements are based on those contained in the Carlsbad General Plan. This provides for consistency between the Agua Hedionda Plan and the General Plan, and allows for eventual integration of the two documents. Zoning ordinances and designations will be developed in the implementation phase of the Agua Hedionda Land Use Plan.

The various densities of residential uses indicated on the map will be modified in actual practice by several considerations. Reservations of public access easements, preservation of defined view-corridors, and limitations on grading are all factors that will tend to reduce the potential yield of living units per acre. Projects within the areas designated RM, RMH, and RH which exceed the minimum guaranteed General Plan density will be subject to additional review by the City Council. The Council may allow up to the maximum General Plan density only if the necessary public facilities are available to serve the project, the higher density will not adversely impact the surrounding areas, and the development provides unique onsite amenities, public recreational opportunities, preserves/enhances unique geological environmental features, or provides affordable housing.

Land use designations, must be considered in conjunction with other sections of this plan. Certain parcels, because of unique environmental or ecological considerations, will be limited for development in some ways that are not applicable to other parcels having the same use designation. For the most part, these limitations, requiring a greater degree of creativity on the part of the land planner, can be an asset rather than a liability to the owner, since their purpose is to enhance desirable features of the land and the natural environment.

Policies

- [1.1 Land uses in the Agua Hedionda Plan area shall be consistent with those indicated on the Land Use Map (Exhibit C).



1.4 Development of the "Ferrero" property shall be regulated as follows:

- a) The area determined by the State Lands Commission to be developable shall be designated RMH (10-20 units per acre). The remainder of the site shall be designated Open Space (OS).
- b) Beyond the southern perimeter of the developable portion of the site, an area of 100 feet in width shall remain undeveloped for the purpose of providing a buffer between development and environmentally sensitive areas. The perimeter of the developable area shall be maintained/improved in a manner to prohibit uncontrolled access into the buffer area. Private recreation and landscape improvements in the buffer area shall be made in consultation with the State Department of Fish and Game. Maintenance of the buffer area shall be the responsibility of the homeowners association.
- c) The area beyond the developable portion of the property and the buffer area shall be dedicated in fee or easement to an appropriate public agency. Access to this area shall be restricted to scientific, educational or other uses consistent with resource management in a manner acceptable to the State Department of Fish and Game.

1.5 The Hedionda Point area between the Hoover Street extension and Whitey's Landing shall be designated RLM (0-4 units per acre).

1.6 To enhance public recreation activities, the area between Snug Harbor and Hoover Street shall be designated RC, for recreational commercial use.

1.7 The area designated "Community Park" shall be zoned open space (OS). Uses in this area shall be regulated by the open space zone and shall be sited so that there are no significant adverse impacts on agricultural lands, wildlife habitats and environmentally sensitive areas.

1.8 The "Ecke" property shall be regulated as follows:

- a) The primary use of the site shall be aquaculture. Other coastal dependant and visitor-serving commercial uses shall be allowed, provided they occupy no more than 50% of the site.

- b) As secondary uses, in the interim period while aquaculture alternatives are being studied, other uses may be permitted which would necessitate minimal site disturbance or capital investment, including active recreation (fishing, tent camping, etc.), beach access parking, short-term recreational vehicle parking, and temporary accessory commercial facilities (bait-and-tackle shop, food concession, etc.);
- c) All uses shall be regulated by conditional use permit. All proposed uses shall be conditioned to provide all access improvements required by this plan, and shall provide peripheral landscaping which at maturity will screen all objectionable improvements (i.e., aquaculture facility, outside storage, parking areas, etc.) as viewed from Carlsbad Boulevard.

1.9 Building height shall be limited to a maximum of 35 feet. Building setbacks and lot coverage shall be regulated by the applicable zoning designation, except as specifically modified in this plan.

1.10 The 45 acre parcel owned by SDG&E located on the south shore immediately east of the freeway shall be designated TS, Travel Services. Conversion of the property to commercial development shall be subject to a future specific plan and the applicable policies relating to agricultural conversion. A future specific plan will be required by the City for development of the property.

■ Discussion

Agriculture in the Agua Hedionda area is dependent upon a wide range of factors. The soil resource is not as ideal as that in other parts of the State but is well-suited to the existing agricultural operations. Climate is the major factor which has determined the success of the area's agriculture since it allows production during months when agriculture is precluded in competing areas. Water is a critical factor, and both direct and indirect energy costs contribute significantly to agricultural costs. Labor also represents a substantial proportion of costs; its future depends to a large extent on government policies toward undocumented aliens. Access to certain Carlsbad agricultural areas is difficult during certain times of the year. Improvement of access would involve a trade-off between production gains from better access and the potential for increased vandalism.

Agricultural activities in the plan area are limited to south shore properties. This area is contiguous with other large agricultural lands to the south and east.

■ Policies

2.1- Conversion of agricultural property shall be consistent with Coastal Act policies, and the policies of this plan.

2.2 The south shore agricultural lands shall be designated "Open Space." This area shall be zoned "Exclusive Agriculture" in the implementation phase of the plan.

2.3 Conversion of the 45-acre SDG&E south shore property shall be subject to the following conditions:

a) Prior to development SDG&E shall record a permanent open space easement over the remaining agricultural lands in favor of the City of Carlsbad. Said easement shall limit uses to agriculture, utility right-of-way and maintenance, roadways, and recreation trails that do not interfere with agricultural operations.

b) SDG&E shall provide a written report demonstrating to the satisfaction of the City, that preservation of the site is not necessary to assure reasonable expansion opportunities for the Encina Power Plant in accordance with Coastal Act Section 30413(b), and that future expansion could reasonably be accommodated at the present power plant site. Said report shall be a requirement of a future specific development plan for the property.

- c) Prior to issuance of a permit for development of the parcel, the owner shall make a portion of the site available for development as a public recreational use if the City finds that current or future recreational needs require the development of such uses in the south shore portion of the Land Use Plan area.
- d) In the event that the Carlsbad Local Coastal Plan is amended to allow for a City-sponsored agricultural program, SDG&E may apply for inclusion in the amended program.

Major boating facilities include Snug Harbor and Whitey's Landing, both located on the north shore of the inner lagoon. All three lagoon areas provide passive activities such as walking, hiking, wildlife observation and informal viewpoints.

■ Policies

- [
- 6.1 Whitey's Landing and Snug Harbor shall be designated for continued recreational-commercial use. Expansion of existing facilities at these locations shall be encouraged (Exhibit "B").
 - 6.2 Construction of private docks, boat storage and launching facilities shall be subject to approval by the U.S. Army Corp of Engineers, the State Department of Fish and Game, the City of Carlsbad and the California Coastal Commission, consistent with Coastal Act Policies.
 - 6.3 The SDG&E agricultural conversion property adjacent to the I-5 freeway, shall be designated Travel Services. This will allow for 45 acres of additional visitor-serving commercial uses.
 - 6.4 If demand for boating/launching facilities cannot be accommodated by existing development, and it can be demonstrated that the lagoon will not be adversely affected by additional boating access and is consistent with Coastal Act Policies, the City should develop public or joint public/private boat facilities in the area of Hoover Street.
 - 6.5 The Encina fishing area on the outer lagoon should be maintained as a public activity area.
 - 6.6 If boating activities on the inner lagoon reach such a high level of use that public safety is endangered or the lagoon ecosystem is being adversely impacted, the City may act to restrict maximum carrying capacity, reduce maximum speeds and limit the horse-power of boats.
 - 6.7 The present recreational uses of the lagoon shall be maintained and where feasible, expanded.

There are factors which limit the desirability of unrestricted access to the lagoon. Along the south shore, the slope conditions are such that attempts to provide usable access to the water's edge could only be accomplished through extensive grading with its potentially detrimental impacts, and would also be disruptive to the agricultural activities along this bluff. It is therefore proposed that public access to the south shore will be limited to viewing areas and pocket beaches that do not interfere with agricultural production or impact environmentally sensitive areas. The wildlife preserve proposed for the easterly portion of the lagoon and the adjacent mudflats should also be protected from uncontrolled access, except as needed for management/maintenance activities.

The public beach area at the mouth of the lagoon currently provides parking and limited support facilities. Informal pedestrian access is provided at the south end of the beach area, through SDG&E property. Dirt walking trails exist along much of the north shore area. The most heavily used appears to be the shoreline area between the YMCA on the middle lagoon, and the beach/fishing areas on the outer lagoon.

Primary bicycle routes currently developed include designated routes along El Camino Real and Carlsbad Boulevard. The coastal route along Carlsbad Boulevard is part of a regional bikeway providing continuous bicycle access from Oceanside, south to Del Mar.

Policies

7.1 Bicycle routes, and accessory facilities such as bike racks, benches, trash containers and drinking fountains shall be installed at the locations indicated on Exhibit I.

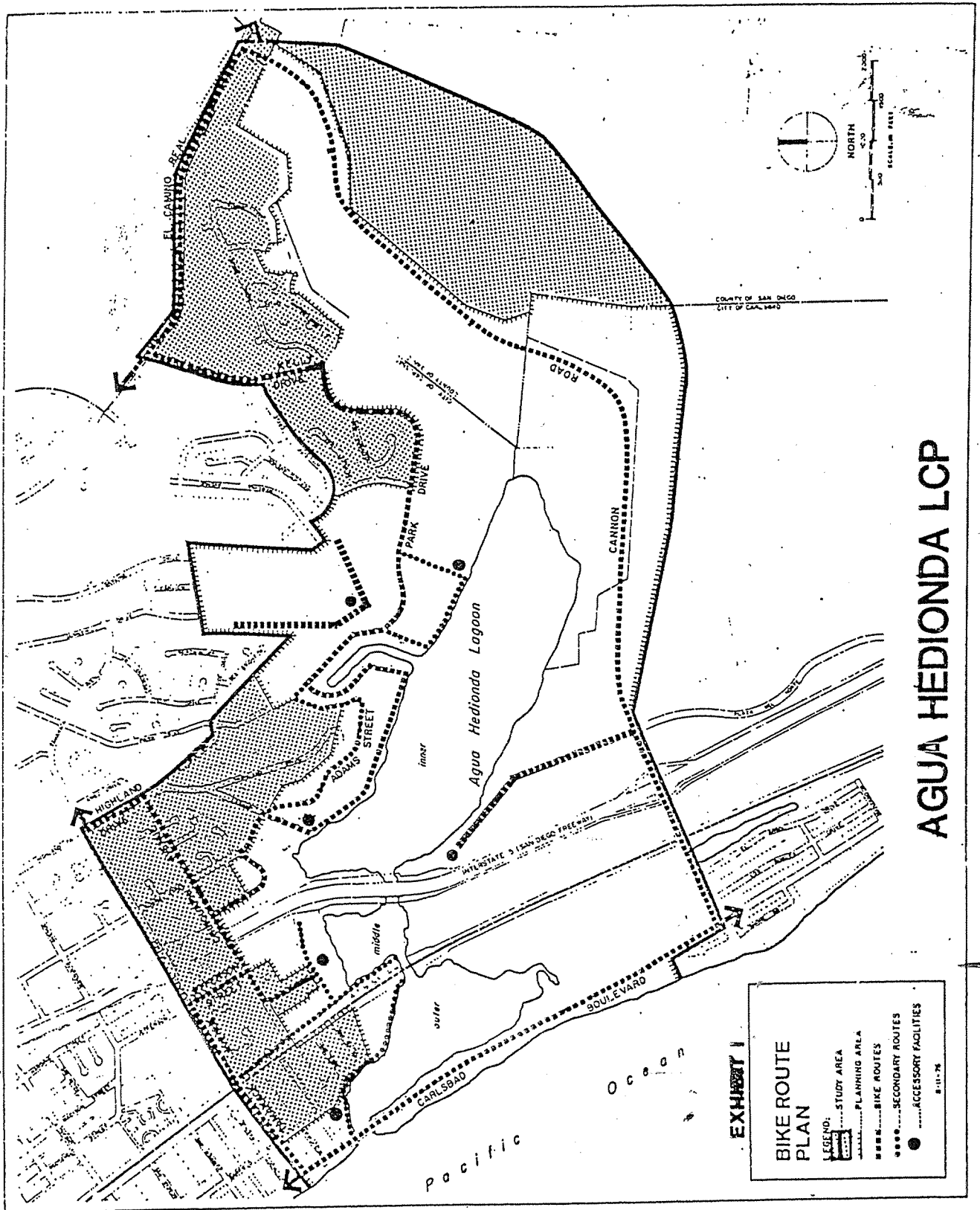
7.2 Pedestrian access ways shall be located as shown on Exhibit J.

7.3 All pedestrian trails shall be constructed to a minimum width of 5 feet. Combination bicycle/pedestrian trail shall be a minimum 10 feet wide.

7.4 Vertical pedestrian access easements shall be a minimum 10 feet in width. Combination bicycle/pedestrian easements and lateral easements shall be a minimum 25 feet in width.

7.5 Bike route and pedestrian improvements shall be financed according to the following criteria:

(1) Routes through established neighborhoods such as Carlsbad Boulevard and Tamarack Avenue shall be financed with City, State or Federal funds.



Policies

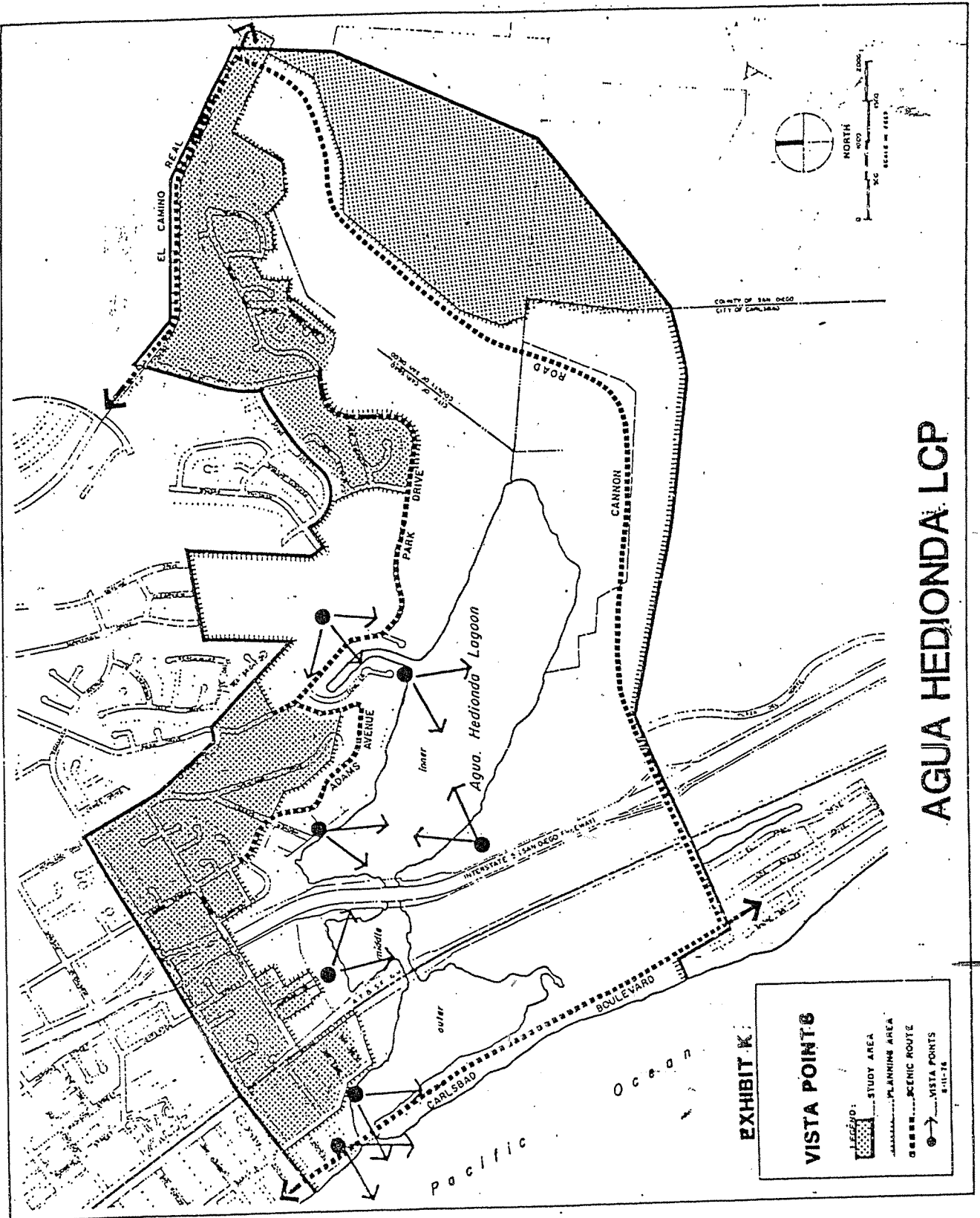
8.1 Park Avenue, Adams Avenue and Carlsbad Boulevard are designated as scenic roadways. Development adjacent to these roads shall maintain a minimum 20-foot landscaped buffer between the street and parking areas. Required landscaped setbacks may include sidewalks and bikeways, but shall not include parking areas. Parking areas shall be screened from the street utilizing vegetation, tree forms, and berms, as appropriate.

8.2 Special vista points and viewing areas shall be preserved, and made available to the public, as indicated on Exhibit K.

8.3 Development located adjacent to scenic roadways, or located between the road and shoreline, shall be regulated as follows:

- a) Where a significant elevation difference (e.g., 35 feet) exists between the shoreline and the first parallel public road, as in the case of Hedionda Point and Snug Harbor, no portion of a structure in the intervening area shall be permitted to exceed the elevation of the roadway.
- b) Where no significant elevation difference exists between the shoreline and the first parallel public road, permitted development in the intervening area shall provide a view corridor, of a width equivalent to at least one-third of the road frontage of the parcel, which shall be kept free of all structures and free of landscaping which at maturity would rise above a reasonable view line from vehicles passing on the public road.
- c) On all property adjoining the shoreline, permitted development shall be designed to "step down" in height, to avoid casting shadows on shoreline areas and to produce a perceived transition from open space areas to developed areas; and
- d) Any development proposed to be located on or near a significant landform (e.g., Hedionda Point) shall be designed so as to minimize disturbance of natural landforms, and shall be developed in a manner that assures its compatibility and harmony with the natural landform through use of such architectural techniques as terraced or pole foundations and variation of roof lines to complement the topography.
- e) Any residential subdivision on Planning Area A shall be designed to preserve natural landforms and shall provide a public view corridor at the western property line of sufficient width to preserve the existing view towards the lagoon in that location. At least one additional view corridor shall be provided across the central portion of the site, such that the total width of at least two view corridors is not less than 200 feet. The public view corridor(s) shall be kept free of all structures and free of landscaping which at maturity would rise above a reasonable viewline from vehicles passing on the public road. The view corridor shall be secured through deed restriction or easement as a condition of subdivision approval.

8.4 All new development in the plan area shall be subject to the provisions of the Carlsbad Scenic Preservation Overlay Zone.



POLICY 2-2 LCPA 90-08 CARLSBAD RANCH SPECIFIC PLAN "MIXED-USE"
DEVELOPMENT

This policy provides conditional development standards for the area of approximately 423 acres north of Palomar Airport Road, east of Paseo del Norte, and east of Car Country Drive (See Exhibit 4.3, Page 74). All such lands owned either by Caritas or Ecker or their successors in interest shall be permitted, pursuant to approval of a Specific Plan to convert certain agricultural lands to residential and/or non-residential (including tourist-serving commercial) development as a means of providing supplementary uses which will assist in the retention of agricultural and public recreation uses on the remaining portions of these parcels. It should be noted that residential uses are possible only where they do not conflict with the Airport Influence Area and where they are compatible with adjacent uses.

- (a) Basic Permitted Uses on Existing Legal Parcels. Where each existing legal parcel as of July 14, 1987, (See Exhibit 4.3, Page 74) is developed individually, permitted uses shall be those described above in Policy 2-1 C Permitted Uses on Designated Coastal Agricultural Lands.
- (b) Uses Conditionally Permissible Pursuant to the Development of the Entire Area Subject to a Specific Plan.

- (1) Consistent with the Carlsbad General Plan residential, commercial (including tourist serving commercial), and other non-residential uses may be developed on up to 92.6 acres of the approximately 423 acre site subject to a Specific Plan for the entire site. Development of land within the Agricultural Preserve will be subject to the provisions of the Williamson Act and specifically the Land Conservation Contract in effect at the time of development. Additional acreage beyond the 92.6 acres shall be permitted to be developed subject to approval of a Local Coastal Program Amendment, Specific Plan Amendment and compliance with Policy 2-1 of the Mello II Land Use Plan.
- (2) Development shall be clustered along Palomar Airport Road, Paseo del Norte, and Cannon Road and clustered on the first major ridge area as designated on Exhibit 4.3A.
- (3) Any amendment to the location of the developable area shall be required to prove that the new area for development is not more suitable for agriculture than the previously developable area. The intent of this requirement is to cluster development on lands least suitable for agriculture.
- (4) All remaining lands as shown on Exhibit 4.3 shall as a condition of the Specific Plan be preserved in agriculture and/or public recreation for as long as feasible. Feasibility shall be determined for the entire area covered by this restriction. Further, feasibility shall be subject to the requirements of the Mello II Coastal Agricultural Overlay Zone Section 21.82.060(c).
- (5) Pursuant to Section 51257 of the Government Code, the boundaries of the lands designated for agriculture may be amended.

Item No. 6 on page 8 of Exhibit "C" which deals with the amendment to the Local Coastal Plan was received by CCC action to read as follows:

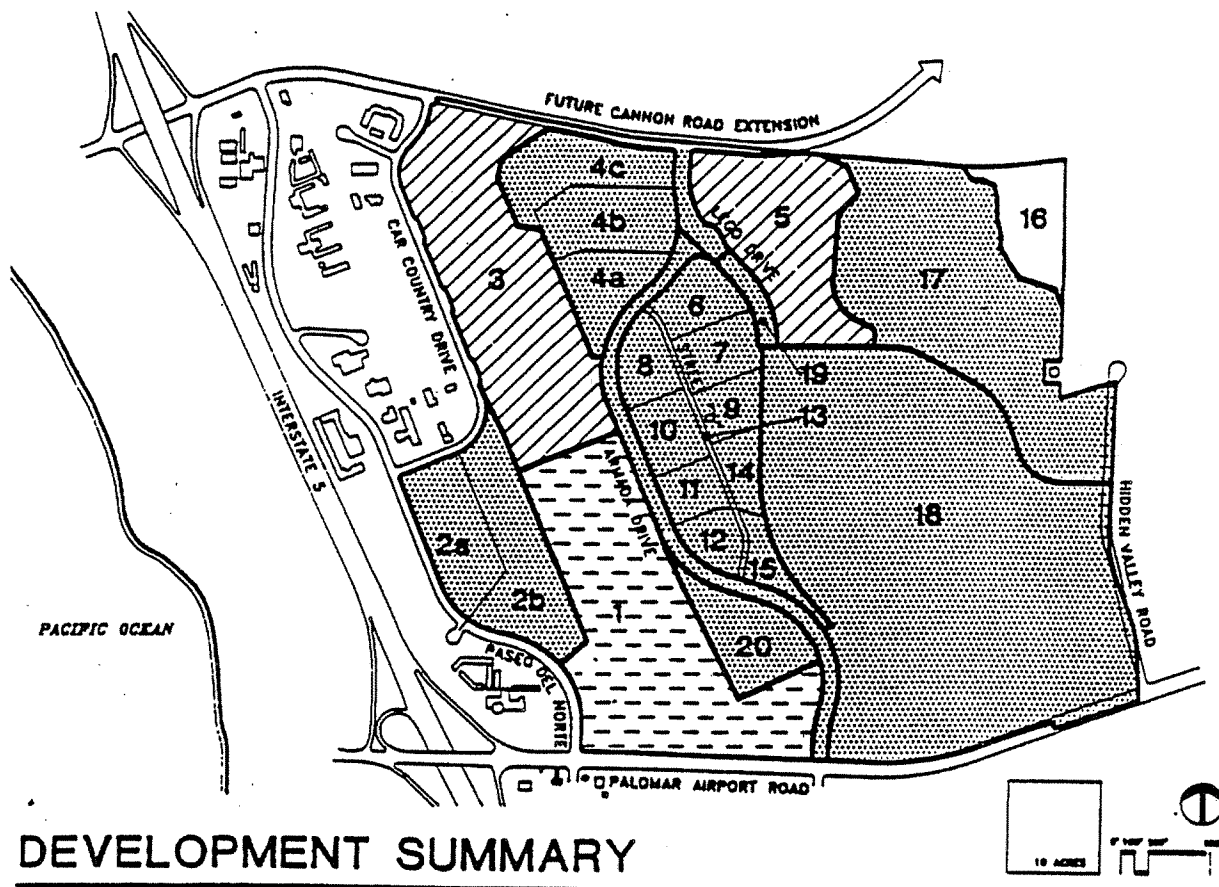
- (6) As an interim step (prior to a complete Specific Plan) up to a 35 acre portion of the 137 acres of developable land located adjacent and easterly to Phase I of Carlsbad Car Country may be developed as a Phase II expansion of Carlsbad Car Country pursuant to a Specific Plan.
- (7) The 92.6 acres of developable land includes the remaining developable portion of the original 482 acre site (See Exhibit 4.3A) that has not been developed.
- (8) The Specific Plan shall provide a mix, location and intensity of land uses that are compatible with and will not adversely impact the long term viability of agricultural and/or public recreation uses.
- (9) All development shall include special treatment buffers either through design or through physical barriers that stabilize the urban-agricultural boundaries and limit to a level of insignificance agricultural impacts on the urban uses.
- (10) All tenants of developable portions of the site shall be notified as to the requirements of the Specific Plans and agricultural uses on the designated land.

- (11) In implementing the Specific Plan all land owners and tenants within the 423 acre site shall waive any right to file nuisance claims against normal agricultural operations.
- (12) All development shall be located so as to not interfere with normal agricultural operations including but not limited to cultivation, irrigation, and spraying.
- (13) As a condition of approval of either the Specific Plan or the Specific Plan for the Phase II expansion of Carlsbad Car Country, whichever occurs first, the property owners (Carlitas and/or Ecke or their successors in interest) shall record a deed restriction endorsed by the Coastal Commission or its successor in interest and the City of Carlsbad that the agricultural lands identified on Exhibit 4.3 are designated for agricultural uses and any modification of use shall require an LCP amendment. As a condition to any amendment to the developable area, the property owner shall execute an amendment to the deed restriction reflecting the modification to restricted and unrestricted lands.
- (14) It is recognized that roads can function as buffers between dissimilar land uses as well as providing access to uses. Therefore, roads may be located entirely or partially or not at all within areas designated for agricultural use. The decision to include or exclude (either partially or entirely) roads shall be a condition of the coastal development permit that includes the construction of the road.
- (15) In order to tie the eastern and western agricultural areas together the proposed north/south road shall incorporate a grade separation at its northerly portion. The grade separation shall be of sufficient dimensions to allow farm vehicles and equipment to move freely between the east and west and shall remain in place so long as agriculture is continued east and west of the north-south road.
- (16) Concurrent with the construction of the proposed north/south road the developer shall grade area Y as shown on Exhibit "A," subject to the satisfaction of the Planning Director so as to create an area level enough to allow the same type of agriculture that occurs westerly of the west ridge to continue around the ridge on the south facing slopes of said ridge. In order to ensure agricultural viability the developer shall amend the soils after grading the area to be equivalent to the existing Class III Marina soils in capability.
- (17) All structures to be located in the future developable area shall be set back a minimum of 25 feet from the adjacent area designated for agriculture.
- (18) A solid wall or fence shall be installed around the entire perimeter of the developable area. The wall (fence) shall be a minimum 6 feet in height and shall be incorporated into the grading where feasible. The intent of this measure is to provide a physical barrier between agricultural and urban uses. The wall or fence shall function to both restrict uncontrolled access into agricultural areas and to reduce drift of dust and spray materials into urban areas. The perimeter wall or fence shall be constructed concurrent with development of the property, except that, if the road is built in one phase, which would open the access through the agricultural lands, an appropriate barrier shall be

incorporated along the roadway. Alternative forms of barriers may be considered provided they satisfy the intent of this measure.

- (19) Windbreaks (landscaped) shall be installed on the developable portions to aid in reducing the effects of farm spraying and dust generation.
- (20) Landscape plant material in the developable area shall be selected for resistance to pests, particularly aphids, thrips, white fly and spider mites. Landscape plantings shall be inspected routinely for presence of pests and treated as required to control them. All pests shall be eliminated by means that do not adversely impact agricultural crops.
- (21) Landscaping with herbaceous plantings shall be discouraged, since they are likely to be hosts of the pests likely to invade the farm crops.
- (22) Drainage water from buildings, streets, parking areas and landscape in the development shall be disposed of through storm drains or otherwise in a manner that will avoid any runoff onto farming areas whether planted or fallow.
- (23) If development of the proposed developable portion impacts water rates on the agricultural land then the developer shall subsidize the water rates to the extent that they equal farm water rates.
- (24) The developer shall notify in a manner satisfactory to the City Attorney all tenants/users of this proposed developable portion that the area is subject to dust, pesticides, and odors associated with adjacent farm operations and that the tenants/users occupy the area at their own risk.
- (25) The cost of the above mitigation measures shall be borne by the developer and shall not be passed on to the agricultural operators (existing or future). For all agricultural land that Caritas or its successor in interest chooses not to farm on a yearly basis, a reasonable effort shall be made to offer the agricultural land for lease or rent at a value equal to or less than the average prevailing market rents for similarly situated coastal agricultural land found within a 30 mile radius of the Caritas property.
- (26) As part of a farm operator's lease, there shall be a requirement to keep dirt roads watered regularly to minimize dust impacts on crops as well as on adjacent non-agricultural uses.

Exhibit 4.3 Agricultural Lands



DEVELOPMENT SUMMARY



NUMBER	LAND USE	ACRES (NET)	DEVELOPMENT PROGRAM
1	AGRICULTURE	53.42	EXISTING FLOWER FIELDS
2a,b	SPECIALTY RETAIL	26.65	300,000 SF
3	GOLF	45.61	4 HOLES OF GOLF
4a,b,c	G.I.A. VOCATIONAL SCHOOL	28.93	550,000 SF
5	GOLF	26.46	3 HOLES OF GOLF
6-12,14-15	RESEARCH & DEV'T	40.01	800,000 SF
13	STREET "D" (PRIVATE)	1.97	
16	OPEN SPACE	10.00	PRESERVE IN NATURAL STATE
17	RESORT	52.80	700 SUITES; 647,000 SF
18	LEGO FAMILY PARK	128.32	425,750 S.F.
19	LEGO DRIVE (PRIVATE)	0.94	
20	COMMUNITY HOTEL & RETAIL	10.48	212,080 SF; 280 ROOMS
	PUBLIC ROADS	21.81	

LCPA 03-06(A)/ZCA 04-04(A) – Agricultural Mitigation Fee

In lieu of the procedures established by subsection B or subsection C of this section, property may be converted to urban uses upon payment of an agricultural conversion mitigation fee.

This fee is separate and distinct from the mitigation fee established by Section 301717.5 of the Public Resources Code, which applies to certain properties outside the Mello I and Mello II segments of the City's local coastal program, is collected and administered by the State Coastal Conservancy and has different expenditure priorities.

The amount of the fee shall be determined by the City Council at the time it considers a Coastal Development permit for urban development of the property. The fee shall not be less than five thousand dollars nor more than ten thousand dollars per net converted acre of agricultural land and shall reflect the approximate cost of preserving prime agricultural land pursuant to subsection B of this section. The fees shall be paid prior to the issuance of building permits for the project. All mitigation fees collected under this section shall be deposited in the City of Carlsbad LCP Agricultural Mitigation Fees Fund and shall be expended by the City of Carlsbad subject to the recommendations of an advisory committee to be established by City Council action. The advisory committee shall have city and Coastal Conservancy staff and community representation. The intent is not to establish priorities for Program use, but rather to promote equitable distribution amongst the allowable uses outlined below. The advisory committee may also develop policies or procedures for the review of requests and the allocation of funds. The allowable uses for the Agricultural Mitigation Fees are:

- a) Restoration of the coastal and lagoon environment including but not limited to acquisition, management and/or restoration involving wildlife habitat or open space preservation.
- b) Purchase and improvement of agricultural lands for continued agricultural production, or for the provision of research activities or ancillary uses necessary for the continued production of agriculture and/or aquaculture in the City's Coastal Zone, including but not limited to farm worker housing.
- c) Restoration of beaches for public use including but not limited to: local and regional sand replenishment programs, vertical and lateral beach access improvements, trails, and other beach-related improvements that enhance accessibility, and/or public use of beaches.
- d) Improvements to existing or proposed lagoon nature centers.

Agricultural Mitigation Fee Program-Historical Summary

Agricultural Subsidy Program-Established in 1981(PRC 30171). Program ended by state legislation in 1984. Funds could only be used to subsidize improvements to agricultural operations. Administered by the Resource Conservation District.

Statutory Agricultural Mitigation Fee Program-Established by state legislation in 1984 (PRC 30171.5). Program replaced the Agricultural Subsidy Program. The program consisted of a priority-based list of allowed fund uses based entirely on environmental resource protection and improving coastal access. Agricultural-based uses of the funds was not specifically included on the list of eligible projects. Administered by the State Coastal Conservancy. Enhancement of Batiquitos Lagoon was the first priority and 50% of the funds had to be spent on Batiquitos Lagoon.

Local Agricultural Mitigation Fee Program-Established by local(City Council) Legislation in 1985 by amendment of the city's Local Coastal Plan. It also was a priority-based program with Batiquitos Lagoon being the first priority, however, the requirement to use 50% of the funds on Batiquitos Lagoon was not included and an agricultural component was added to the list of projects eligible for funding. Administered by the Coastal Conservancy. In 1997, the city requested that the funds and the administration of the program be turned over to the city. The request was subsequently approved by the Conservancy.

Amendment to Statutory Fee Program-Amendment made to PRC 30107 by state legislation in 1996. Allowed approximately \$1 million of the funds in the statutory account to be transferred to a special account to be used only for projects that assist in preserving the flower fields at Carlsbad Ranch. Administered by the city.

Amendment to Local Fee Program-Approved by city as a Local Coastal Plan Amendment in 2004. This amendment formally designated the city as the administrator of the program; eliminated the prioritization of eligible projects; revised the list of acceptable fund uses; deleted Batiquitos Lagoon as the only lagoon eligible to receive funds; deleted reference to Buena Vista Lagoon Interpretive Center as the only center that could receive funds; clarified that the acquisition and management of habitat land was an eligible use of the funds and specifically clarified that farm worker housing was included in the agricultural component for the uses of the funds. The amendment also added the requirement for an advisory committee that would follow City Council approved guidelines to ensure equitable distribution of funds and stakeholder participation.